

Weare Conservation Commission
Minutes
May 10, 2006
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In attendance were: John Ciampi, Andy Fulton, Steve Najjar, Andrea Alderman, and George Malette.

Guests included: Brian Wilcox, Holly Hill Easement abutter; Tom Sauser, & Jeff Hudson, both of SHB Properties; LLC, Jim Edwards of Meridian Land Services; Bob Grinley, David Belu, John Esdale, Brett Merrill, Bruce Konikowski, Gregg Seaver, Daniel Johnson, Gene Propper, Brandon Merrill, Tim Lorenz, & Larry Constant, all of the Weare Winter Wanderers.

Vice chair Andy Fulton called the meeting to order at 7:05 PM.

1). Brian Wilcox – An abutter to the Holly Hill easement property, map 405, lot 73-15, is seeking information concerning the guidelines in the buffer zone between his property and the conservation easement. Steve pointed out that any allowable activity in the buffer space will be annotated in the registry of deeds. Mr. Wilcox decided he will go ahead and refer to the registry and reschedule another meeting with the Conservation Commission. Once the deed is procured, the parties will review the legal document to determine Brian's rights in the buffer space.

2). SHB Properties – Jim Edwards revealed that his intent here this evening is to examine the subdivision layout, and to review the orchard study.

The first layout reviewed by the Commission members was the original proposal which depicted the subdivision road extending to the eastern end of the subdivision, terminating at the abutters property line. A cluster subdivision plan was also reviewed. Mr. Edwards showed an alternate plan in which the subdivision terminates in a cul-de-sac rather ending at the abutting property line. Steve was curious as to the reasoning behind the lots being more clustered toward the east, which has more value from a natural resource perspective, than toward the west. Jeff explained that a main factor in the design of the subdivision is the location of the entrance onto Rt. 114 which is mandated by DOT. Also considered in the layout are the topography, grades, maintenance of the well radius, the 4K box and DES loading. Andrea asked the intent of the open space, to which Mr. Edwards replied he will ask for a deed restriction. A fire cistern will be located on the open space property, and there are no plans for a public access. George asked if the abutter to the east were to have some change in his land use intentions, would the property road someday continue through. Mr. Edwards firmly replied "no". This proposal will be presented to the Planning Board at tomorrow evenings session. One recommendation the Commission will make to Planning, for the purpose of consolidation, is to shift the building envelope so that more open space follows one side of the development rather than being more broadly dispensed. The Commission reminded SHB that they are more inclined to supporting the later concept (the cul-de-sac approach), and SHB agreed to note that in their dialogue with the Planning Board. The second part of SHB's presentation was a review of the soil report, discoursed by Jeff Hudson, who explained that the soil report for the old orchard previously located on this property has been completed, and the results sent to Naomi Bolton, Land Use Coordinator. The prominent highlights of this report are as follows:

- ✓ Pesticides were used on farms across the U.S. since the mid-1800.

- ✓ UNH State Offices and the County Co-op authorities all agree there is no problem with these compounds existing in the soil
- ✓ Once the compounds are applied, they are no longer under the jurisdiction of the State.
- ✓ These compounds were, and are currently, legal.
- ✓ Numerous studies indicate that they do not contaminate the water supply.
- ✓ They bind with the upper 10" of soil locking them in place, causing no harm.
- ✓ They are not volatile.
- ✓ They are not airborne.
- ✓ One would have to eat them daily in order to accumulate negative effects.
- ✓ Because of soil samples already taken, pesticide presence is a known factor.
- ✓ The State of NH requires no action on this matter.
- ✓ There are sub developments in the state and nationally that are on sites previously sprayed with pesticides.
- ✓ There are a number of sites in Weare that are located on an old orchard setting.
- ✓ SHB proposes to perform semi-annual water testing schedule beginning with the onset of the road construction to the completion of the last house.
- ✓ The World Health Organization promotes the use of DDT.
- ✓ There are State standards on a variety of chemicals.
- ✓ The State takes its direction from the EPA which has garnered a collection of chemical data and reviews it from time to time.
- ✓ From the test site, 15 soil samples were taken.
- ✓ A geologist is responsible for collecting soil samples and site evaluation.
- ✓ Compared with a typical orchard site, none of the data collected can be construed as abnormal.
- ✓ There is no data available indicating the pesticide application carrier.
- ✓ Steve felt it is more useful to the purpose of environmental evaluation to refer to what specific studies were involved at this specified site.
- ✓ This orchard hasn't been active for quite awhile.
- ✓ In some cases, the quantities of soil contamination exceed the S-1 levels.
- ✓ SHB indicated there is no intention to use any soils off site.
- ✓ SHB proposes to conduct continuous monitoring of the surrounding water body.
- ✓ The exact location of the old orchard site was determined with assistance from the Weare Historical Society.
- ✓ Andy asked SHB if they can provide a list with a name and a statement from a particular person at DES, a risk assessor, regarding the S-1 standards and why it is stated that there is no reason for concern.
- ✓ Andy stated that he is not comfortable approaching the Planning Board telling them that this issue is settled and there are no final issues of concern.
- ✓ Jeff would like to maintain communication with the Commission during the following weeks to insure that the facts and figures compiled by SHB are in line with the Commission's recommendations.

3). Weare Winter Wanderers – This snowmobile organization came before the Commission this evening in order to voice their concern over a possible breach of agreement by NBAC relating to their travel through SHB's proposed subdivision. Brandon Merrill pointed out that NBAC "made it extremely clear" that NBAC is willing to work with this group in designing a ROW for their winter activities. However, it is their conclusion that NBAC hasn't made any arrangements, nor have they displayed any intentions, of upholding their pledge. Brett Merrill informed the Commission that he participated in the joint site walk with SHB, the WCC, and the Weare Winter Wanderers (WWW) about a year ago, and during that perambulation the WWW's were told by NBAC that they "would do whatever it takes to keep your trail system intact". Brett stated he believes NBAC merely intended their

assurances as a pacifier while NBAC was engaged in securing their required permits. Andy asked who specifically made those comments, to which Brett named Earnie Theibeult and Brian Holt. They suggested, Brett continued, that the WWW's construct their trail along the Northern portion of the property, within the conservation zone. Brett emphasized that this section of the trail through NBAC's property is a vital link to the overall network of trails, and that they have no designs to neither prevent nor interrupt the development in any way. He went on to say a year ago the club had not expected they would encounter this roadblock, and had a good feeling they would be included in SHB's plans. Steve proffered that this matter falls under the auspices of the Planning Board. XXX Seager pointed out that NBAC gave the snowmobile club permission to begin staking out their trail along an old logging road to the North of the property.

The parties involved with this discussion reviewed the site plan of the proposed subdivision to determine their most favorable route of travel. No consensus was as yet formed because the property owners can, at any time, prevent any determined route from being used. Steve suggested that the WWW's seek a permanent easement for their trails, otherwise they are wasting their time with any plans they may formulate. Andy stated that any easement placed upon the property can only be bestowed by the current owner of the property. George encouraged the club to attend tomorrow evenings Planning Board session because Planning must agree on the wording of the entire subdivision document before giving it their blessing. Mr. Seaver mentioned that NBAC previously was not in favor of granting the WWW's an easement. Neil Chapman made a pitch for the WWW's underscoring their club's positive community involvement, for instance the 4th of July celebration, the Boy Scouts, and Easter Seals, and would also lend their support to any other community minded organization in need. He added they intend to pursue the goals and enhancement the club's activities for the long haul, and they come before the Commission this evening to solicit its support. Andy assured that the comments of the Conservation Commission to Planning will strongly encourage that a snowmobile corridor through the NBAC property be established and maintained, and that the Commission is at ease with a trail through the open space land.

4). Conservation Easement Model – Andrea tabled a motion *to accept the most recent changes of the Brookshire Warranty Deed as a model for future conservation easements*. John 2nd. All voted in favor. With no prevailing discussion, the motion carries unanimously.

5). Art Siliciano-Art presented a draft open space easement deed for review, on lot 202/10.1. Andrea noted there is no clause to allow for forestry. However, Art stated he used the old easement deed template, and he will make the needed changes. The open space lot number is 202/10.9, and comprises 14.2 acres. Discussion ensued along the lines of finding a suitable land trust agency that will be willing to accept holding an easement on a small amount of open space such as the one under discussion. At this juncture, Art mentioned he has not determined if he will continue to own the open space land, if he will decide to divide it among the lot owners, or if he will give the easement to a local land trust, including the Town. Steve noted that if Art were to continue to own the open space property, he is required to add a "public access" clause. Art ensured the Commission he will e-mail them the final draft of the open space easement deed, and he will discuss this matter with the Planning Board at tomorrow evenings meeting.

6). General Business:

- Bean Hill Forest Services – Steve received an e-mail from John Conde, a forester with Bean Hill Forest Services, who asks the Commission permission to turn his logging trucks around on Peaselee Rd., which is part of the Fletch Farm Town Forest. Mr. Conde is engaged in a logging operation on the property adjacent to the Town

Forest. Steve suggests Mr. Conde draft a short agreement and present it to the Commission for authorization, at its next session, in order to legalize the document.

- By-laws – This evening the Commission revised the wording of the Commission’s by-laws, and the following changes are annotated:
 - A. In section IV:A, entitled “Election of Officers”, shall be revised to read *“elections shall be held for officers at the 1st regular meeting after the annual general Town Meeting”*.
 - B. In section III:A, remove *“a selectman will act as an ex-officio member with no power to vote”*.
 - C. In section IV:A, delete *“including one member of the WCC who shall act as a coordinator of such committee.”*
 - D. In section V:C, add the new paragraph *“Ex-Oficio member – The Weare Town Tree Warden (aka Town Forester) serves as an ex-officio member with full voting rights when less than seven full members are present”*.
 - E. In section VI:A in the 2nd line, after the wording “open to the public”, add the words *“meetings will generally start at 7PM and conclude at 10PM”*.
 - F. In section VI: 2, in the third line after the wording “to the meeting”, add *“in accordance with RSA 91-A: 2”*.
 - G. In section VI:6, 5th line down, after the word “motions”, delete the wording *“or vote except in the event of a tie. The Chair shall have the right to cast the deciding vote or abstain in this instance. If the presence of the Chair constitutes the number of active members required to form a quorum, the Chair shall have regular voting rights; however, shall not make motions”*.
 - H. In section VI: 7, 3rd line down, change “application” to “item”.
 - I. In section IX, page 5, 1st line, delete the wording *“The Chair may authorize expenditure of funds within review and approve its annual budget prior to submittal of the budget to the BOS”*.
 - J. In section XI:B under “Committees”, add the paragraph *“The Weare Open Space Committee (WOSC) is a standing subcommittee of the Conservation Commission which meets once per month and is dedicated to acquisition and creation of new conservation lands only. WOSC membership is open to all citizens of Weare and is appointed by the Conservation Commission Chair. Composition and procedure will follow general principles stated in these by-laws and all State laws.*
 - K. In section VI:5, the title of *“Order of Business for Regular Meetings”* shall be revised to read: a) Chair will open meeting. b) Items shall be considered in general accordance with the agenda. c) Chair will announce the agenda item and introduce issue to be considered. d) Motion will be considered for the agenda item. e) Chair will announce closure of agenda item discussion. f) Chair will announce next agenda item. g) Chair will solicit discussion of items not on the agenda. h) Chair will entertain motion to close meeting following completion of agenda items or by majority vote, to hold agenda items not met in the 7PM to 10PM time frame over until the next regular meeting.
- Election of Officers :
 - A. John nominated Andy for Chairman of the WCC, and Andrea 2nd. Andy accepted the nomination, all voted in favor, and the motion carries.
 - B. Andy nominated Andrea for vice-chair of the WCC, and George 2nd. Andrea accepted the position of vice-chair, all voted in favor, and the motion carries.
 - C. George made motion to nominate John for position of secretary. John declined nomination, and the position of secretary as of this evening is vacant.

- Letter to the BOS – Steve made motion to petition the Chair write a letter to the BOS emphasizing the apparent differential treatment concerning administration support, and to request the BOS to designate someone to fill the secretary's vacancy on the Conservation Commission. Andrea 2nd the motion, all voted in favor and the motion carries.
- Natural Resource Inventory – George suggested that progress on the NRI be an included part of every monthly meeting. Andy suggested scheduling a special session to work on the NRI so not to tie up the regular work of the Commission.
- PSNH Grant - John presented the Commission with a \$100.00 check, donated by PSNH as part of their grant program. This check will be deposited into a special grant fund that has already been established.

7). Adjournment – John made motion to adjourn this evenings session, and Andrea 2nd. All voted in favor, and with no further business before the Commission, the meeting adjourned at 10:45 PM.

Respectfully Submitted,

John Ciampi
Secretary Weare Conservation Commission

cc: BOS
Town Clerk
Files
Tina Pelletier